

State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing

**BOARD OF CHIROPRACTIC EXAMINERS**

**MINUTES OF THE SUBCOMMITTEE TELECONFERENCE**

Thursday, April 20<sup>th</sup>, 2017

*These are **DRAFT** minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.*

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a teleconference of the Board of Chiropractic Examiners' Subcommittee was held on April 20<sup>th</sup>, 2017.

Tuesday, April 20<sup>th</sup>, 2017

**Agenda Item 1                      Subcommittee Call to Order/Roll Call                      Time: 1:30 p.m.**

The meeting was called to order by Subcommittee Lead, Dr. James Heston at 1:30 p.m.

Subcommittee Members present:

Edward Barrington, Doctor of Chiropractic  
James Heston, Doctor of Chiropractic (*Lead*)  
Daniel Holt, Doctor of Chiropractic

Board Member(s) present:

John Wayne Aderhold, Public Member

Division Staff present were:

Aiko Zaguirre, Licensing Examiner  
Laura Carrillo, Records and Licensing Supervisor

**Agenda Item 2                      Subcommittee Discussion                      Time: 1:31 p.m.**

Subcommittee Lead, Dr. James Heston, began the meeting by discussing the Board's regulations draft with comments and corrections from the Alaska Chiropractic Society (ASC). Dr. Edward Barrington informed the committee that the ASC's legislative committee used the draft finalized during the Alaska Board of Chiropractic Examiners' January 21<sup>st</sup> meeting.

Dr. Heston first commented on the removal of the testing requirement for the Certified Chiropractic Clinical Assistant (CCCA) applications, both by registration and credentials. Dr. Heston stated that the testing would require additional expense and work to both the staff and the Board, to which Dr. Barrington agreed to. Dr. Barrington added that it was discussed in the past that it would be better to have minimal requirements, so that there would not be extra costs for the unnecessary steps in the process, such as having an examination.

#### Certification Requirements

Dr. Heston also supported the idea of "grandfathering-in" the registration for individuals who have been chiropractic clinical assistants for at least two thousand (2,000) hours as suggested by the ACS. Dr. Barrington, however, stressed that grandfathering might raise a regulatory concern, especially since there are many chiropractic offices who have clinical assistants working for them for years. Dr. Daniel Holt asked Dr. Barrington what would happen to offices that do not participate or register their clinical assistants. Dr. Barrington stated that it was his understanding, as written in the statutes and regulations, that anyone who claims to be a chiropractic clinical assistant should go through the initial qualification process. Dr. Barrington also added that insurance companies are even beginning to ask for credentials of clinical assistants from chiropractic clinics for security purposes. It was not clear, however, whether or not insurance companies would require this for non-certified individuals working within a chiropractic office, and how that can possibly work. Dr. Barrington emphasized that the certification is required only for those who would do procedures such as examination, x-ray, and physical modalities. Dr. Heston noted that in AS 08.20.168, clinical assistants are required to have a certificate if they will perform diagnostic imaging studies, use ancillary methodologies, and perform any type of procedure. If the chiropractic staff will not be providing these services, then they are not required to be certified or registered. Dr. Barrington agreed to Dr. Heston's statement, and added that if the staff would simply perform clerical duties, then a certificate or registration is not required.

Dr. Heston also insisted that the age requirement of being at least 18 years old should be included in the draft. Dr. Barrington stated that the age requirement was addressed during the January meeting, and was removed as it was considered as redundant, since the FCLB already requires all applicants to be at least 18 years of age.

*Laura Carrillo left the room at 1:40 p.m.*

#### Background Check Requirements

The subcommittee also had a discussion on the criminal background check requirement.

Dr. Heston suggested to give applicants an option of either requesting for a background check from Alaska and the applicant's current State residence, or a national background report. Ms. Zaguirre asked if the Board would like to either request for a background check from Alaska AND their current State residence OR a National background check, to which Dr. Heston agreed.

Dr. Barrington noted that the corrections will be presented to the ACS legislative committee meeting on May 2<sup>nd</sup>, and will provide the subcommittee a revised copy with the corrections.

#### Grandfathering

Dr. Barrington pondered upon how the Board would address the grandfathering of clinical assistants' certification. Dr. Heston explained that if there would be grandfathering in initial certification, the Board would still require continuing education, to which Dr. Barrington asserted. Dr. Barrington raised the issue on how to register someone that the Board would grandfather and when they would rely on the FCLB for registration. Dr. Barrington stated that Sheri Ryan, COO of the Alaska Chiropractic Society, will be in contact with the FCLB regarding this issue, and will give the subcommittee a more definitive answer at their May 4<sup>th</sup> meeting. Dr. Holt commented on the issue by providing an example of when he attended a convention in February, where a CCA examination had been offered. Dr. Holt explained that out of the five or six people who took the examination, only one person failed, and it was noted that none of the applicants formally studied for the test. Dr. Holt explained that having to pass the examination could work for the Board as part of the minimum qualification. Dr. Heston asked Dr. Holt if the examination was conducted by a specific State or by the FCLB, and if it was done during an FCLB conference. Dr. Holt stated that it was for FCLB, but not during an FCLB conference. The subcommittee continued to discuss the minimum qualifications and the possible benefits and repercussions of grandfathering applications for certification.

Dr. Heston also suggested that, should the Board decide to pursue grandfathering, the Division can keep a registry of people grandfathered in. Ms. Zaguirre stated that the Division can do so, but this would depend on the number of people who can be grandfathered in. With that, Dr. Barrington stated that there is a need to establish criteria for grandfathering applications, should the Board decide to take this route. Dr. Heston hoped that should the grandfathering be pursued, there would be minimal expense for the Board.

The subcommittee continued to review the draft with the corrections from the ACS. Dr. Barrington asked Ms. Zaguirre if the draft would still need to be reviewed by Jun Maiquis, the Division's regulations specialist. Ms. Zaguirre affirmed Dr. Barrington, and provided the subcommittee a run through of the regulations project process. Dr. Barrington asked Ms. Zaguirre if the Board would have to pay Mr. Maiquis for his review. Ms. Zaguirre affirmed Dr. Barrington, and explained that the Board would indeed incur an expense when the draft is reviewed by Mr. Maiquis, and also reminded the subcommittee that it would be beneficial to the Board financially if they make the regulations as clear as possible to refrain from going back and forth for every review.

Ms. Zaguirre asked the subcommittee to email her or Ms. Carrillo with questions for the NBCE or the FCLB, as Ms. Carrillo will be attending the annual conference in Orlando, Florida within the next few weeks.

Dr. Heston asked who the Board member delegate is for the conference, other than Ms. Carrillo. Ms. Zaguirre stated that a request for Dr. Campbell was submitted, but was denied. The only reason why Ms. Carrillo was approved to travel was due to a grant that she had applied for.

*Subcommittee Lead Appointment*

With no further discussions, the subcommittee members decided to formally appoint Dr. Heston as their lead.

**On a motion duly made by Daniel Holt, seconded by Edward Barrington, and approved unanimously, it was**

**RESOLVED to appoint Dr. James Heston as the regulations subcommittee lead.**

**Agenda Item 3**

**Adjourn**

**Time: 1:50 p.m.**

**With no further issues to discuss, Lead, Dr. Heston asked that the meeting be adjourned.**

Respectfully Submitted by:

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Aiko Zaguirre  
Licensing Examiner

Date

Reviewed by:

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Dr. James Heston, Subcommittee Lead  
Alaska State Board of Chiropractic Examiners

Approved by:

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Dr. Walter Campbell, Chair  
Alaska State Board of Chiropractic Examiners